

EXHIBIT A

Administrative Remedy Number 1115480-A1  
Part B - Response

This is in response to your Central Office Administrative Remedy Appeal, in which you assert inaccuracies contained within your Pre-Sentence Report (PSR), which has resulted in your ineligibility for the Residential Drug Abuse Program. For relief, you request to have your PSR corrected.

We have reviewed documentation relevant to your appeal and based on the information gathered, concur with the manner in which the Warden and Regional Director addressed your concerns at the time of your Request for Administrative Remedy and subsequent appeal. An inmate may challenge the accuracy of Central File materials in accordance with Program Statement 5800.17, Inmate Central File, Privacy Folder, and Parole Mini-Files. As previously advised, you are encouraged to make the request through your unit team. You may also address your concerns with the sentencing courts.

Accordingly, this response is provided for information purposes.

10-03-2022  
Date

I. Connors  
Ian Connors, Administrator  
National Inmate Appeals



REQUEST FOR ADMINISTRATIVE REMEDY  
ADMINISTRATIVE REMEDY #1115480-F1

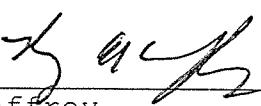
This is in response to your Request for Administrative Remedy dated March 3, 2022, stating your current Presentence Investigation Report (PSR) is incorrect and requesting it be corrected/modified.

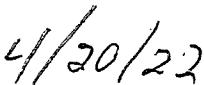
Upon review, your current PSR, Docket No.: 0647 4:18CR00737-001, under Substance Abuse states; according to (you) the defendant, he first consumed alcohol at age 18 and last consumed alcohol in September 2018. The defendant first used marijuana at age 17 and last used the substance in the summer of 2018. The defendant experimented with Percocet on one occasion at the age of 31. He denied using any other illicit substance. According to the defendant's pretrial services report, he denied using any illicit substances aside from using marijuana on one occasion at the age of 15. The defendant tested positive for cocaine on December 19, 2018. He denied using cocaine. The defendant completed substance abuse treatment and Men's Group in October 2019 while incarcerated at Northeast Ohio Correctional Facility. The defendant's attorney provided copies of his Certificate of Achievement for competing both programs. He reported no further substance treatment. The defendant is interested in receiving treatment.

Your legal representative will need to file in court to get an addendum to the PSR to be completed for this information to be changed. Your unit team is not responsible for completing this.

Based on our findings, this response is for informational purposes only.

If dissatisfied with this response, you may appeal to the Mid-Atlantic Regional Director, Federal Bureau of Prisons, 302 Sentinel Drive, Suite 200, Annapolis Junction, Maryland 20701. Your appeal must be received in the Regional Office within 20 days of the date of this response.

  
R. McCaffrey  
FCI Acting Warden

  
Date

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

**RECORDED/ROUTED** **SEARCHED/INDEXED** **FILED** **F.O.I. RELEASED**

From: <u>RECORDED/ROUTED</u>	REG. NO. <u>SEARCHED/INDEXED</u>	UNIT <u>FILED</u>	INSTITUTION <u>F.O.I. RELEASED</u>
LAST NAME, FIRST, MIDDLE INITIAL			

**Part A- INMATE REQUEST** I am requesting the review of my RSR that was issued on 07/1/22, which states that I informed the Warden that my issue "needs to be handled through inmate legal mail." My issue is that information in my RSR regarding my history of drug use/abuse is incorrect and needs to be corrected/modifies. Specifically, I was recently interviewed by psychology services here at the institution that My RSR states, in regards to my history of drug use/abuse, that I had informed the Probation Officer who prepared my RSR that I used and abused marijuana "two or three times a week" when in fact what I had told the probation officer preparing my RSR is that I abused and used marijuana "two or three times a day, every week." I am bringing the instant filing to the attention of staff here at the institution, now your offices, that there is a discrepancy regarding this information contained in my RSR, which constituted "containing inaccurate records" and is a violation of the Privacy Act (Act) due to the use of the incorrect information in determinations adverse to myself. Specifically, because of this incorrect information, I am being denied an evidence based drug program, i.e., Residential Drug Abuse Program (RDAP), that I need to aim in my rehabilitation and drug abuse prevention for my future. Section 552(a)(5) of the Privacy Act (Act) provides that each agency that keeps a system of records must maintain all records with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination. (5 U.S.C.S. § 552(e)). Section 552a(g) to the Act provides civil remedies for violations of 5 U.S.C.S. § 552(e)(5). In particular, 552a(g)(1)(C) permits:

"See Attachment"

DATE

SIGNATURE OF REQUESTER

**Part B- RESPONSE**

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

**THIRD COPY: RETURN TO INMATE**CASE NUMBER: 111-111-1111

CASE NUMBER: \_\_\_\_\_

**Part C- RECEIPT**

Return to: LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION  
**SUBJECT:** \_\_\_\_\_

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

NUMBER: MAX-1330.16  
 DATE: February 3, 2014  
 SUBJECT: Administrative Remedy  
 Program  
 PAGE: 9

## ATTACHMENT A

Federal Correctional Complex Hazelton  
 Request for Administrative Remedy  
 Informal Resolution Form - General Population

Notice to Inmates: Prior to receiving a Request for Administrative Remedy Form (BP-229), you MUST attempt Informal Resolution through your Counselor, or provide other documentary evidence of your attempt at informal resolution. Failing to attempt informal resolution may result with rejection of your request.

Part A		
Inmate Name:	Reg. No.:	Unit:
ANTHONY WEST	66209-060	N-1
1. Specific Complaint: INFORMATION IN MY PSR REGARDING MY HISTORY OF DRUG USE/ABUSE IS INCORRECT AND NEEDS CORRECTION/MODIFICATION. <sup>3</sup> <i>"SEE ATTACHED"</i>		
2. Relief Requested: THAT MY PSR BE AMENDED AND CORRECTED TO REFLECT THE ACTUAL INFORMATION I PROVIDED TO THE PROBATION OFFICER WHO PREPARED MY... "SEE ATTACHED"		

Part B		
Food Service	Unit Manager ✓	UNICOR
Business Office	Psychology	Education
Trust Fund/Laundry	Religious Services	Recreation
Health Services	Correctional Svcs	Facilities
Safety	ISM/Mailroom/Records	Administration

Part C		
Issue Resolved Relief granted	Comments:	
X Issue Un-resolved No Relief granted	Comments: This needs to be handled through inmate <i>legal mail</i> .	
Unable to Address Issue Referred	Comments:	

Inmate Signature: <i>Anthony West</i>	Date: <i>FEBRUARY 22, 2022</i>
Staff Signature: <i>[Signature]</i>	Date:
Unit Manager Signature: <i>[Signature]</i>	Date: <i>2-25-22</i>

Counselor Tracking					
Tracking #	Event Date	+ 20 Days	Form Issued	BP-9 Issued	BP-9 Returned
N1-0039	2-22-22		2-22-22	3-1-22	

Attachment

Specific Complaint continued.

...I was recently told by psychology services here at the institution I'm currently housed in that my PSR states, in regards to my history of drug use/abus, that I had informed the Probation Officer who prepared my PSR that I used and abused marijuana "two or three times a week" when in fact what I had told the Probation Officer preparing my PSR that I abused/used marijuana "two or three times a day, every week." I am hereby bringing to your attention that there is a discrepancy regarding this information contained in my PSR, which constitutes "maintaining inaccurate records" and is a violation of the Privacy Act (Act) due to the use of the incorrect information in determinations adverse to myself. Specifically, because of this incorrect information, I am being denied an evidence based drug program, i.e., Residential Drug Abuse Program (RDAP), that I need to aid in my rehabilitation and drug abuse prevention for my future. Section 552a(e)(5) of the Privacy Act (Act) provides that each agency that keeps a system of records must maintain all records with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination.

5 U.S.C.S. § 552e(5). Section 552a(g) of the Act provides civil remedies for violations of 5 U.S.C.S. § 552a(e)(5). In particular, § 552a(g)(1)(C) permits a civil action if an agency fails to maintain any record concerning any individual and consequently a determination is made which is adverse to the individual.

5 U.S.C.S. § 552a(g)(1)(C). And § 552(g)(4) provides that in any action brought under § 552(g)(1)(C), in which the determines that the agency acted in a manner which was intentional or willful, the United States shall be liable for actual damages sustained by the individual not less than \$1,000 as well as litigation costs and attorney's fees. 5 U.S.C.S. § 552a(g)(4). (See Sellers v. Bureau of Prisons, et al., 959 F.2d 307; 294 U.S. App. D.C. 361; 1992 U.S. App. LEXIS 5369 (Court of Appeals for District of Columbia, 1992) This case goes on to say that "As long as the information contained in an agency's files is capable of being verified, then under 5 U.S.C.S. § 552a(e)(5) and 5 U.S.C.S. § 552a(g)(1)(C) of the Privacy Act, the agency must take reasonable steps to maintain the accuracy of the information to assure fairness to the individual. If the agency willfully or intentionally fails to maintain its records in that way, and, as a result, it makes a determination adverse to an individual, then it will be liable to that person for money damages," Id.

Relief Requested continued.

...I am requesting the Unit Team, Psychology Services and/or whomever the responsible party is contact the Probation Department that prepared my PSR, inform them of the inaccuracies complained of herein, so that they can make the proper corrections/amendments and/or verify the inaccuracies so that they may be corrected and the adversity I'm suffering can be removed.